

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KAELI GARNER, *et al.*,

Plaintiffs,

vs.

AMAZON.COM, INC., *et al.*,

Defendants.

No. 2:21-cv-00750-RSL

STIPULATED MOTION FOR
APPOINTMENT OF INTERIM CO-LEAD
AND CLASS COUNSEL AND ORDER

STIPULATED MOTION FOR APPOINTMENT OF
INTERIM CO-LEAD AND CLASS COUNSEL
No.: 2:21-cv-00750-RSL

BYRNES ♦ KELLER ♦ CROMWELL LLP
38TH FLOOR
1000 SECOND AVENUE
SEATTLE, WASHINGTON 98104
(206) 622-2000

1 WHEREAS, between June 7, 2021 and July 16, 2021, multiple putative class-action
2 complaints were filed against defendants Amazon.com, Inc. and Amazon.com Services LLC
3 (collectively, “Amazon” or “Defendants”), including this case, generally alleging illegal
4 wiretapping under various federal and state statutes.

5 WHEREAS, on July 27, 2021, the original parties to this action filed a stipulated motion
6 with this Court to, among other things: (1) consolidate this case with the other five related cases
7 pending in this District; (2) set a deadline for the consolidated plaintiffs to file a Consolidated
8 Complaint; (3) set a schedule for Defendants to answer or otherwise move with respect to the
9 Consolidated Complaint. *See* ECF No. 20.

10 WHEREAS, on August 3, 2021, the Court so-ordered the stipulated motion. *See* ECF No.
11 21.

12 WHEREAS, on September 2, 2021, plaintiffs filed their Consolidated Complaint. *See* ECF
13 No. 22. Defendants’ deadline to answer or otherwise move with respect to the Consolidated
14 Complaint is on October 18, 2021.

15 WHEREAS, to ensure efficiency in this case, the parties believe it is important for the
16 Court to appoint a leadership group and interim class counsel to represent plaintiffs and the
17 putative class under Rule 23(g) of the Federal Rules of Civil Procedure and the MANUAL FOR
18 COMPLEX LITIGATION §§10.22 and 21.11 (4th ed. 2021).

19 WHEREAS, Defendants believe that class certification under Rule 23 will be inappropriate
20 and intend to preserve all arguments with respect to any future motion for class certification or
21 appointment of permanent class counsel, but do not oppose appointment of interim class counsel
22 during this proceeding.

23 WHEREAS, plaintiffs have agreed, and Defendants do not oppose, the Court’s
24 appointment of the following individuals to serve on an interim basis in the following capacities
25 on behalf of plaintiffs and the putative class:
26

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Interim Co-Lead Class Counsel

1. **Michael P. Canty (Labaton Sucharow LLP (New York, NY)):** Mr. Canty is a partner at Labaton Sucharow LLP (“Labaton”), serving as General Counsel to the Firm and as head of the Firm’s Consumer Cybersecurity and Data Privacy group. Recommended by *The Legal 500* and *Benchmark Litigation* as an accomplished litigator, Mr. Canty has more than a decade of trial experience in matters relating to national security, white collar crime, and cybersecurity. Most notably, Mr. Canty co-led the litigation team that achieved the historic and groundbreaking \$650 million settlement in *In re Facebook Biometric Information Privacy Litigation*, No. 3:15-cv-03747-JD (N.D. Cal.) (Donato, J.) – the largest consumer data privacy settlement ever, and one of the first cases asserting consumers’ biometric privacy rights under the Illinois’ Biometric Information Privacy Act (“BIPA”). In addition, Mr. Canty is leading Labaton’s efforts in pursuing consumer class action claims against Beech-Nut Nutrition Company (*Thomas et al v. Beech-Nut Nutrition Company*, No. 21-cv-00133 (N.D.N.Y.) (Hurd, J.)) and Hain Celestial Group, Inc. (*In re Hain Celestial Heavy Metals Baby Food Litigation*, No. 21-cv-00678 (E.D.N.Y.) (Seybert, J.)) due to deceptive business practices for failure to disclose that the baby food products manufactured and sold contained heavy levels of toxic heavy metals. Mr. Canty is also pursuing consumer class action claims against Flo Health and related defendants (including Google and Facebook), i.e. *Frasco et. al. v. Flo Health et. al.*, No. 21-cv-00757 (N.D. Cal.) (Donato, J.), for illicitly sharing female Flo Health users’ personal health information related to their menstrual and period cycles.

2. **Stuart A. Davidson (Robbins Geller Rudman & Dowd LLP (Boca Raton, FL)):** Mr. Davidson is a partner at Robbins Geller Rudman & Dowd LLP (“Robbins Geller”), the largest class-action firm in the world. Mr. Davidson leads many of the firm’s consumer, privacy, and data breach class actions, including: serving as a member of the Plaintiffs’ Executive Committee in the matter of *In re Yahoo! Inc. Customer Data Sec. Breach Litig.*, No. 5:16-md-02752 (N.D. Cal.) (Koh, J.) (\$117.5 million recovery involving the largest data breach case in history); as Class Counsel (along with Mr. Canty) in the matter of *In re Facebook Biometric Information Privacy*

1 *Litig.*, No. 3:15-cv-03747-JD (N.D. Cal.) (Donato, J.) (\$650 million recovery, the largest privacy
 2 settlement in history); as a member of the Plaintiffs' Executive Committee in the matter of *In re*
 3 *Intel Corp. CPU Mktg., Sales Practices & Prods. Liability Litig.*, No. 3:18-md-02828-SI (D. Or.)
 4 (Simon, J.), an MDL alleging that Intel marketed and sold computer chips with inherent security
 5 vulnerabilities; and is spearheading several aspects of one of the most watched antitrust cases in
 6 the nation, *In re EpiPen (Epinephrine Injection, USP) Mktg., Sales Practices & Antitrust Litig.*,
 7 No. 2:17-md-02785 (D. Kan.) (Crabtree, J.), which recently settled with one set of defendants three
 8 months before trial for \$345 million (pending approval).

9 Interim Class Counsel

10 3. **Guillaume Buell (Thornton Law Firm LLP (Boston, MA)):** Mr. Buell is a
 11 partner at Thornton Law Firm LLP and leads the firm's class action practice. A seasoned litigator
 12 with a diverse litigation and trial background, his practice focuses on representing investors and
 13 consumers in securities and consumer lawsuits pending in state and federal courts across the
 14 country. Mr. Buell also draws on his prior experience at Cahill Gordon & Reindel LLP and as a
 15 trial attorney at Hicks Davis Wynn P.C., where he provided legal counsel to a wide range of
 16 Fortune 500 and other corporate clients in the aviation, construction, energy, financial, consumer,
 17 pharmaceutical, and insurance sectors in state and federal litigations, government investigations,
 18 and internal investigations. In recent years, Mr. Buell has contributed to the prosecution of a
 19 number of important class actions including *Medoff v. CVS Caremark Corporation*, No.09-cv-
 20 00554 (D.R.I.) (Laplane, J.) (\$48 million recovery); *Hall v. Rent-A-Center*, 4:16-cv-00978-ALM-
 21 CMC (E.D.Tex.) (Mazzant, J.) (\$11 million recovery); *In re Barrick Gold Securities Litigation*,
 22 13-cv-3851 (SAS) (S.D.N.Y.) (Berman, J.) (\$140 million recovery); and *In re Nu Skin Enterprises,*
 23 *Inc., Securities Litigation*, No. 14-cv-0033 (D. Utah) (Parrish, J.) (\$47 million recovery). He has
 24 been recognized as a *Rising Star* by Super Lawyers. The Thornton Law Firms' experience in
 25 complex litigation over the last four decades has led to the firm's involvement in cases of local
 26 and national importance. Its work has included representing the Commonwealth of Massachusetts

1 in its lawsuit against the tobacco industry, which settled for \$8 billion in 1998; more than 20,000
 2 victims of mesothelioma and other asbestos-related diseases, including serving as plaintiffs’
 3 asbestos liaison counsel in Massachusetts; consumers, workers, and taxpayers through the firm’s
 4 class action, wage and hour, and fraud and False Claims Act practices; children suffering from
 5 severe birth defects related to the use of chemicals in the workplace; victims of catastrophic
 6 injuries, including severe physical and brain injuries, bringing claims for personal injury, products
 7 liability, and workers compensation; those harmed by pharmaceutical drugs and medical devices,
 8 including DePuy hip implants, pain pumps, breast implants, transvaginal mesh, Dalkon Shield,
 9 Vioxx, and many others; and representing the State of Rhode Island in its fight against the lead
 10 paint industry.

11 4. **L. Timothy Fisher (Bursor & Fisher, P.A. (Walnut Creek, CA)):** Mr. Fisher has
 12 been actively involved in numerous cases that resulted in multi-million-dollar recoveries for
 13 consumers and investors. Mr. Fisher has handled cases involving a wide range of issues including
 14 nutritional labeling, health care, telecommunications, corporate governance, unfair business
 15 practices and consumer fraud. With his partner Scott A. Bursor, Mr. Fisher has tried five class
 16 action jury trials, all of which produced successful results. In *Thomas v. Global Vision Products*,
 17 Mr. Fisher obtained a jury award of \$50,024,611 — the largest class action award in California in
 18 2009 and the second-largest jury award of any kind. In 2019, Mr. Fisher served as trial counsel
 19 with Mr. Bursor and his partner Yeremey Krivoshey in *Perez v. Rash Curtis & Associates*, where
 20 the jury returned a verdict for \$267 million in statutory damages under the Telephone Consumer
 21 Protection Act. Mr. Fisher has been appointed to represent plaintiffs in dozens of consumer class
 22 actions during his career. He is currently a member of the executive committee in *In re: Fisher-*
 23 *Price Rock ‘n’ Play Sleeper Marketing, Sales Practices, and Products Liability Litigation*, MDL
 24 No. 1:19-md-2903 (W.D.N.Y) (Crawford, J.). In 2018, Mr. Fisher was appointed as interim lead
 25 class counsel in *Olin v. Facebook, Inc.*, N.D. Cal. Case No. 3:18-cv-01881-RS (TSH). In 2019,
 26 Mr. Fisher was appointed as interim lead class counsel in *In re Smashburger IP Holder LLC*, C.D.

1 Cal. Case No. 2:19-cv-00993-JAK-JEM. In 2020, Mr. Fisher was appointed as co-lead interim
 2 class counsel in *In re GE/CBPS Data Breach Litigation*, S.D.N.Y. Case No. 1:20-cv-02903-KPF.

3 **5. Brian C. Gudmundson (Zimmerman Reed LLP (Minneapolis, MN)):** Mr.
 4 Gudmundson has led and litigated numerous MDL and consolidated actions, including many data
 5 privacy actions in recent years. He is currently co-lead counsel on behalf of consumers in *In re:*
 6 *Netgain Technology, LLC, Consumer Data Breach Litig.*, 21-cv-1210 (D. Minn.), and on behalf
 7 of financial institutions in *In re: Sonic Corp. Customer Data Security Breach Litig.*, 17-md-02807
 8 (N.D. Ohio). Brian also recently served as co-lead counsel in the settled Arby's data breach
 9 litigation on behalf of financial institutions, *In re: Arby's Rest. Grp., Inc., Data Security Litig.*, 17-
 10 cv-00514, (N.D. Ga.), and on the steering committees on behalf of financial institutions in the
 11 settled actions involving the Equipifax data breach, *In re: Equifax Inc. Customer Data Security*
 12 *Breach Litig.*, MDL 2800 (N.D. Ga.), Wendy's data breach, *First Choice Fed. Credit Union v. The*
 13 *Wendy's Co.*, 16-cv-00506 (W.D. Pa.), and Home Depot data breach, *In re: The Home Depot, Inc.,*
 14 *Customer Data Security Breach Litig.*, MDL 2583 (N.D. Ga.), among several others. Prior to
 15 these, he was one of the lead litigators in the landmark Target data breach case, *In re Target Corp.*
 16 *Customer Data Sec. Breach Litig.*, MDL 14-2522 PAM/JJK (D. Minn.) in which his partner, the
 17 late Charles S. ("Bucky") Zimmerman, was appointed lead counsel for the financial institution
 18 track. The Sonic and Target actions are two of the only data breach actions to ever obtain a
 19 certified litigation class. Brian also recently served on the steering committee in the settled breach
 20 of privacy action, *In re: Vizio, Inc., Consumer Privacy Litig.*, MDL 2693 (C.D. Cal.). Outside the
 21 data breach and privacy contexts, Brian currently serves as co-lead counsel on behalf of consumers
 22 in the consolidated action *Patlan, et al. v. BMW of North America, LLC*, 18-cv-09546 (D.N.J.),
 23 alleging damages related to fire risk in defective BMW vehicles. Brian also recently served as
 24 lead plaintiffs' counsel on behalf of consumers in the settled MDL action *In re: CenturyLink Sales*
 25 *Practices and Securities Litig.*, MDL 2795 (D. Minn.). He previously served as co-lead counsel
 26 in the settled arbitration action *GLS Companies, et al. v. Minnesota Timberwolves Basketball LP,*

No. 27-cv-16-2816 (D. Minn.), which challenged implementation of the Minnesota Timberwolves' paperless ticketing system and restrictions on transfer of game tickets.

6. **Robert K. Shelquist (Lockridge Grindal Nauen P.L.L.P. (Minneapolis, MN)):**

Robert K. Shelquist has prosecuted national class actions to verdict in two cases. In *Peterson v. BASF Corp.*, Mr. Shelquist was court-appointed class counsel and was one of the trial attorneys who secured a jury verdict for a nation-wide class seeking redress for defendant's marketing of its herbicide products. After multiple state appellate opinions and two trips to the United States Supreme Court, a judgment in excess of \$60,000,000 was paid. He also was one of the court-appointed class counsel and trial counsel representing a certified sub-class as part of a nationwide antitrust trial in *In Re Laminates*, which was tried to verdict in the United States District Court for the Southern District of New York. Mr. Shelquist has been active in class action, consumer fraud, product liability, and other complex litigation, including court appointed co-lead counsel, class counsel, or steering committee appointments in: *In Re Building Materials Corporation of America Asphalt Roofing Shingle Products Liab. Litig.*, MDL 2283 (D.S.C.) (Plaintiff Steering Committee); *In Re CertainTeed Corp. Roofing Shingle Products Liability Litig.*, MDL 1817 (E.D. Pa.) (Co-Lead Counsel); *Eliason v. Gentek Building Products, Inc., et al.*, Civ. No. 10-cv-2093 (N.D. Ohio) (Executive Committee); *In re FCA US LLC Monostable Electronic Gearshift Litigation*, Civ. No. 16-md-02744 (E.D. Mich.) (Plaintiffs' Steering Committee); *In Re HardiePlank Fiber Cement Siding Litig.*, MDL No. 2359 (D. Minn.) (Lead Counsel); *In Re IKO Roofing Shingle Products Liability Litig.*, MDL No. 2104 (C.D. Ill.) (Co-Lead Counsel); *In Re Kitec Plumbing Systems Products Liab. Litig.* MDL No. 2098 (N.D. Tex.) (Co-Lead Counsel); *In Re Laminates*, MDL File No. 1368, (S.D.N.Y.) (Lead Counsel to Miami Sub-class); *McFerren v. AT&T Mobility LLC*, Civil No. 2008-cv-151322 (Superior Court Fulton County, GA) (Chairman of Plaintiffs' Steering Committee); *In Re Medtronic, Inc. Sprint Fidelis Leads Products Liability Litig.*, MDL 08-1905 (D. Minn.) (Liaison Counsel); *In Re Navistar Diesel Engine Products Liab. Litig.*, MDL No. 2223 (N.D. Ill.) (Plaintiffs' Steering Committee); *In Re Northstar Education Finance, Inc. Contract*

1 *Litig.*, MDL 08-1990 (D. Minn.) (Co-Lead Counsel); *Peterson v. BASF Corp.*, Civil No. C2-97-
 2 295 (Norman County District Court, Minn.) (Lead Counsel); *Cynthia Walker v. Cellfish Media*,
 3 *LLC*, No. 08 CH 40592 (IL. Cir. Ct.) (Plaintiffs' Steering Committee); *Patricia Wright, et al. v.*
 4 *Owens Corning*, MDL No. 1567 (W.D. Pa) (Co-Lead Counsel); *In re Google Android Consumer*
 5 *Privacy Litig.*, MDL No. 2264 (N.D. Calif.) (Interim Co-Lead Counsel); *In Re Zurn Pex Products*
 6 *Liability Litig.*, MDL 1958 (D. Minn.) (Co-Chair Plaintiffs' Steering Committee); *George v.*
 7 *Uponor Corporation, et al.*, Court File No. 12-249 (D. Minn.) (Co-Lead Counsel); *In Re Aredia*
 8 *and Zometa Products Liability Litig.*, MDL 06-1760 (M.D. Tenn.) (Plaintiff Steering Committee);
 9 *In Re iPhone Application Litig.*, Civil No. 10-CV-05878-LHK (N.D. Calif.) (Executive
 10 Committee); and *In Re Syngenta AG MIR162 Corn Litig.*, Civil No. 14-md-2591-JWL-JPO (D.
 11 Kansas) (Executive Committee). Mr. Shelquist also is or has been also involved in the following
 12 litigation: *In Re Air Transportation Excise Tax Litig.*, Civil File No. 3-96-CV-453 (D. Minn.);
 13 *Austerschmidt v. T-Mobile USA, Inc.*, Court File No. 19-HA-CV-081709 (Ramsey County District
 14 Court, Minn.); *In Re Baycol Products Litig.*, MDL No. 1431 (D. Minn.) (Discovery and Briefing
 15 Committees); *In Re Berg*, Master File No. CY-96-3151-AAM (E.D. Wash.); *Birkemeyer Farm*
 16 *Partnership, et al. v. Monsanto Co., et al.*, Court File No. 07-CV-04-1092 (D. Minn.); *In Re Blue*
 17 *Cross Blue Shield Subscriber Litig.*, Master File No. 19-C3-98-7780 (Dakota County District
 18 Court, Minn.) (Co-Chair Discovery Committee); *Brown v. State of Minnesota*, Court File No. 98-
 19 11152 (Hennepin County District Court, Minn.); *Crosby v. Aid Association for Lutherans*, File
 20 No. 00-CV-2112 MJD/RLE (D. Minn.); *Davenport, et al. v. Illinois Farmers Insurance Company*,
 21 *et al.*, Case No. CIV-03-158-F (W.D. Ok.); *In Re Digi International, Inc. Securities Litig.*, Master
 22 File No. 97-5 (D. Minn.); *In Re European Rail Pass Antitrust Litig.*, MDL 1386 (S.D.N.Y.); *In Re*
 23 *Flat Glass Antitrust Litig.*, MDL 1200 (W.D. PA); *Good v. Fluor Daniel Corp.*, Case No. CT-00-
 24 5021-RHW (E.D. Wash.); *In Re Green Tree Acceptance Corp. Securities Litig.*, Master File No.
 25 97-2666 (JRT/RLE) (D. Minn.); *In Re Guidant Corp. Implantable Defibrillators Products*
 26 *Liability Litig.*, MDL No. 05-1708 (DWF/AJB) (D. Minn.) (Trial Team); *Hanson v. TCI Cable*

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1 *Corp.*, Court File No. CX- 97-1434 (Mower County District Court, Minn.); *Hensley v. AT&T*
 2 *Mobility, LLC*, Court File No. 27-cv-08-7210, (Hennepin County District Court, Minn.); *Jacobson*
 3 *v. Correct Building Products, LLC*, Court File No. 08-cv-5135 (D. Minn.); *Koras v. Verizon*
 4 *Wireless*, Court File 27-cv-08-18517, (Hennepin County District Court, Minn.); *Larson v.*
 5 *Burlington Northern Santa Fe Railway Company*, Civil No. CV 01-527 JEL/RLE (D. Minn.);
 6 *Jeffrey H. Leech, et. al. v. Excel Title, LLC*, Court File No. 27-CV-06-4625 (Hennepin County
 7 District Court); *In Re Linerboard Antitrust Litig.*, MDL 1261 (E.D. PA); *In Re Lutheran*
 8 *Brotherhood Variable Insurance Products Co. Sales Practices Litig.*, MDL No. 1309 (D. Minn.);
 9 *McGregor et al. v. Uponor, Inc. et al*, Court File No. 09-cv-1136 (D. Minn.); *McNeil v. IKO*
 10 *Manufacturing, Inc.*, Court File No. 09-cv-2105 (C.D. Ill.); *In Re Medtronic, Inc., Implantable*
 11 *Defibrillators Products Liability Litig.*, MDL No. 05-1726 (JMR/AJB) (D. Minn.) (Trial Team); *In*
 12 *Re Meridia Products Liability Litig.*, MDL 1481 (N.D. Ohio) (Co-Chair Discovery Committee);
 13 *In Re Milk Products Antitrust Litig.*, Master File 3-96-458 (D. Minn.) (Co-Chair Discovery
 14 Committee); *In Re MSG Litig.*, MDL File No. 00-1328 (D. Minn.); *In Re National Arbitration*
 15 *Forum Litig.*, Civil No. 09-1939 (D. Minn.) (Plaintiffs' Lead Counsel Committee); *In Re Propulsid*
 16 *Products Liability Litig.*, MDL 1355 (E.D. LA); *In Re Rezulin Litig.*, MDL 1348 (S.D. N.Y.);
 17 *Ross et al. v. Trex Company, Inc.*, Court File No. 09-cv-670 (N.D. Calif.). *In Re Serzone Products*
 18 *Liability Litig.*, MDL 1477 (S.D. W.V.); *Robert Smale v. Sears Roebuck & Co. and Whirlpool*
 19 *Corp.*, Court File No. C3-04-8891 (Hennepin County District Court) (Liaison Counsel); *In Re*
 20 *StarLink Corn Products Liability Litig.*, MDL 1403 (N.D. IL); *In re Syngenta Litigation*, Court
 21 File 27-cv-153785 (Henn. Co., MN) (Liaison Counsel); *In Re Tamoxifen Citrate Antitrust Litig.*,
 22 MDL 1408 (E.D. N.Y.); *Villa v. Rexall Sundown, Inc.*, Court File No. 00-9061 (Palm Beach
 23 County Court, Florida); *In Re Vioxx Litig.*, MDL 1657 (E.D. LA); *In Re Vytarin/Zetia Marketing,*
 24 *Sales Practices, and Products Liability Litig.*, MDL 1938 (D.N.J.); *In re Wells Fargo ERISA*
 25 *401(k) Litigation*, Master File No. 0:16-cv-3405 (PJS/BRT) (D. Minn.) (Liaison Counsel); and *In*
 26 *Re Western Union Money Transfer Litig.*, Master File No. CV 01 0335 (CPS) (VVP) (E.D. N.Y.).

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Mr. Shelquist has been recognized as a Super Lawyer by *Minnesota Law and Politics* and listed by the *Guide to Leading American Attorneys*. He is currently a member of AAJ, the Federal Bar Association, and the Minnesota Bar Association.

7. The parties propose that, in their capacity as Co-Lead Class Counsel, Messrs. Canty and Davidson shall, in coordination with each other and at their discretion, and in consultation with Interim Class Counsel as may be appropriate, be responsible for coordinating plaintiffs' pretrial activities and shall:

(a) Determine and present (in briefs, oral argument, or such other fashion as may be appropriate personally or by a designee) to the Court and Defendants the position of plaintiffs on all matters arising during pretrial proceedings;

(b) Coordinate the initiation and conduct of discovery on behalf of plaintiffs consistent with the requirements of Fed. R. Civ. P. 26, including the preparation of interrogatories and requests for production of documents and coordinate the examination of witnesses in depositions;

(c) Coordinate discovery efforts with co-counsel to ensure that discovery is conducted in an efficient, orderly, and non-duplicative manner;

(d) Conduct and coordinate settlement negotiations;

(e) Delegate specific tasks to other counsel in a manner to ensure that pretrial preparation is conducted efficiently and effectively;

(f) Enter into stipulations with opposing counsel as necessary for the conduct of the litigation;

(g) Prepare and distribute periodic status reports to the parties as may be necessary;

(h) Maintain adequate time and disbursement records covering services for all plaintiffs' counsel in the action;

(i) Monitor the activities of co-counsel to ensure that schedules are met and duplicative efforts and unnecessary expenditures of time and funds are avoided;

(j) Perform such other duties as may be incidental to proper coordination of plaintiffs' pretrial activities or authorized by further order of the Court; and

(k) Appoint additional committees, as necessary, including, but not limited to expert, discovery, trial, and settlement committees.

DATED: September 27, 2021

/s/ Bradley S. Keller

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Attorneys for Plaintiffs and the Class

1
2 DATED: September 27, 2021

/s/ Brian D. Buckley

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21 *Attorneys for Defendants Amazon.com, Inc.*
22 *and Amazon Services, LLC*

ORDER

Pursuant to the parties' stipulated motion and Rule 23(g)(3) of the Federal Rules of Civil Procedure, it is HEREBY ORDERED that:

1. Michael P. Canty of Labaton Sucharow LLP and Stuart A. Davidson of Robbins Geller Rudman & Dowd LLP are appointed Interim Co-Lead Class Counsel.

2. Guillaume Buell of Thornton Law Firm LLP, L. Timothy Fisher of Bursor & Fisher, P.A., Brian C. Gudmundson of Zimmerman Reed LLP, and Robert K. Shelquist of Lockridge Grindal Nauen P.L.L.P. are appointed as Interim Class Counsel.

3. As Interim Co-Lead Class Counsel, Messrs. Canty and Davidson shall, in coordination with each other and at their discretion, be responsible for coordinating plaintiffs' pretrial activities and shall:

(a) Determine (after such consultation with Interim Class Counsel as may be appropriate) and present (in briefs, oral argument, or such other fashion as may be appropriate personally or by a designee) to the Court and Defendants the position of plaintiffs on all matters arising during pretrial proceedings;

(b) Coordinate the initiation and conduct of discovery on behalf of plaintiffs consistent with the requirements of Fed. R. Civ. P. 26, including the preparation of interrogatories and requests for production of documents and coordinate the examination of witnesses in depositions;

(c) Coordinate discovery efforts with co-counsel to ensure that discovery is conducted in an efficient, orderly, and non-duplicative manner;

(d) Conduct and coordinate settlement negotiations;

(e) Delegate specific tasks to other counsel in a manner to ensure that pretrial preparation is conducted efficiently and effectively;

1 (f) Enter into stipulations with opposing counsel (after such consultations with
2 Interim Class Counsel and/or other co-counsel as may be appropriate) as necessary for the conduct
3 of the litigation;

4 (g) Prepare and distribute periodic status reports to the parties as may be
5 necessary;

6 (h) Maintain adequate time and disbursement records covering services for all
7 plaintiffs' counsel in the action;

8 (i) Monitor the activities of co-counsel to ensure that schedules are met and
9 unnecessary expenditures of time and funds are avoided;


10 (j) Perform such other duties as may be incidental to proper coordination of
11 plaintiffs' pretrial activities or authorized by further order of the Court; and

12 (k) Appoint additional committees, as necessary, including, but not limited to
13 expert, discovery, trial, and settlement committees.

14 4. This Order is made without prejudice to Amazon's opposition to any future motion
15 for class certification filed by Plaintiffs.

16 IT IS HEREBY ORDERED.

17 Dated this 13th day of October, 2021.

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19 HONORABLE ROBERT S. LASNIK
20 UNITED STATES DISTRICT JUDGE
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